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FREMONT UNIFIED SCHOOL DISTRICT

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

LUANNE HESS,

Plaintiff,

vs.

FREMONT UNIFIED SCHOOL DISTRICT,
a public entity,

Defendant:

CASE NO.: C-08-02400 MMC

**NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING (CIVIL L.R.
3-13)**

Defendant FREMONT UNIFIED SCHOOL DISTRICT serves the following Notice of Pendency of Other Action or Proceeding:

On February 28, 2008, plaintiffs WILLIAM HESS, LUANNE HESS and DOT EGGERLING filed an action in State Court seeking damages and declaratory and injunctive relief. (Exhibit "A" to Declaration of Dolores M. Donohoe)

The state action is based on the same theory of recovery, i.e. defendant employed plaintiffs as vandal watchers and failed to pay them minimum wage and overtime pursuant to state law. This is the same theory under which each of the plaintiffs in the following Federal Court actions:

a) *William Hess v. Fremont Unified School District*, Case No.: C-08-02399 JSW;

b) *Luanne Hess v. Fremont Unified School District*, Case No.: C-08-02400 MMC;

c) *Dot Eggerling v. Fremont Unified School District*, Case No.: C-08-02401 WHA

Plaintiffs' allegation in the state action filed in the Superior Court, State of California, County of Alameda, Case No. RG08372899, a copy of which is attached hereto, confirms that plaintiff's recognize that the three separate federal actions filed by the three individuals arise of the same subject matter as each other's federal action as well as the state action.

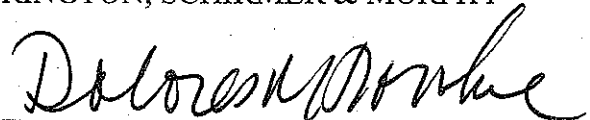
COORDINATION

This Court should coordinate the actions to avoid complex, conserve resources and promote an efficient determination of each action.

DATED: July 17, 2008

EDRINGTON, SCHIRMER & MURPHY

By



Dolores M. Donohoe

Attorney for Defendant

FREMONT UNIFIED SCHOOL DISTRICT